

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

RICHARD W. DAVIS, JR.,

Defendant,

and

DCG REAL ASSETS, LLC, *et al.*,

Relief Defendants.

CASE NO. 3:16-CV-285

**ORDER ON RECEIVER'S OBJECTION
TO LATE-FILED CLAIM**

This matter came before the Court on the *Receiver's Objection to Late-Filed Claim* (the "Objection") filed on September 12, 2018 by A. Cotten Wright, the Court appointed receiver in this case (the "Receiver"). (Doc. No. 216). It appears that notice of the Objection was proper.

The Objection was filed in response to a claim submitted on behalf of an investor (the "Claimant") alleging a claim against Relief Defendant, DCG PMG, LLC, in the amount of \$300,000.00 (the "Claim"). The Claim was submitted to the Receiver in an email from the Claimant's attorney on September 5, 2018, nearly a year after the September 16, 2017 claims deadline. The Receiver designated the Claim as Claim No. 166.

In the Objection, the Receiver noted that she had provided email service to the Claimant throughout the course of the receivership case at a yahoo.com address, and that none of those emails have been returned as undeliverable. The Claimant did not respond to the Objection.

The Court, having reviewed the Objection and the record in this case, has determined that the Objection should be approved.

IT IS, THEREFORE, ORDERED that the late-filed Claim 166 is DISALLOWED.
SO ORDERED.

Signed: October 9, 2018

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

